

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Raquel Reynolds,

Plaintiff,

vs.

City of Seattle, et al.,

Defendants.

No. 2:21-CV-01560-RSM

CITY’S ANSWER TO  
PLAINTIFF’S COMPLAINT

JURY DEMAND

This is the answer for the City of the Seattle. The individuals named in the complaint have not yet been served.

Plaintiff’s complaint did not include numbered paragraphs. To specify which allegations the City of Seattle (“City”) is answering, the City submits Exhibit A, a copy of Plaintiff’s complaint that has been numbered by the City.

The City answers each of the paragraphs of Plaintiff’s Complaint as follows:

## I. Parties and Jurisdiction

1. The City is without sufficient knowledge or information to deny or admit the allegations in Paragraph 1, and therefore the allegations are denied.
2. The City admits the allegations in paragraph 2.
3. The City admits that the Seattle Police Department (“SPD”) is and was a law enforcement agency in the City of Seattle, but denies that it is “authorized to do and doing business.”
4. The City denies the allegations in paragraph 4. The Office of the Police Accountability (“OPA”) is and was an independent agency that investigates allegations of misconduct made against individual SPD employees; OPA does not “represent[]” SPD.
5. The City admits that Pete Cavinta was an employee of SPD at the time of the incident and that he was assigned to perform duties for SPD. The City is without sufficient knowledge or information to deny or admit the remaining allegations in paragraph 5, and therefore the allegations are denied.
6. The City admits that Scotty Bach was an employee of SPD at the time of the incident and that he was assigned to perform duties for SPD. The City is without sufficient knowledge or information to deny or admit the remaining allegations in paragraph 6, and therefore the allegations are denied.
7. The City denies the allegations in paragraph 7. The City admits that Daniel Kim is listed on the general offense report, but this was not correct. Daniel Kim was not an employee of SPD at the time of this incident. The general offense report should have identified Hyung K. Kim, who the City admits was an employee of SPD at the time of the incident.
8. The City admits that German Barreto was an employee of SPD at the time of the incident. The City is without sufficient knowledge or information to deny or admit the remaining

allegations in paragraph 8, and therefore the allegations are denied.

9. The City admits that Kira Guzman was an employee of SPD at the time of the incident and that she was assigned to perform duties for SPD. The City is without sufficient knowledge or information to deny or admit the remaining allegations in paragraph 9, and therefore the allegations are denied.

10. The City admits that Raymond Fischer was an employee of SPD at the time of the incident and that he was assigned to perform duties for SPD. The City is without sufficient knowledge or information to deny or admit the remaining allegations in paragraph 10, and therefore the allegations are denied.

## **II. Background**

11. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 11, and therefore the allegations are denied.

12. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 12, and therefore the allegations are denied.

13. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 13, and therefore the allegations are denied.

14. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 14, and therefore the allegations are denied.

15. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 15, and therefore the allegations are denied.

16. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 16, and therefore the allegations are denied.

1 17. The City is without sufficient knowledge or information to deny or admit the allegations  
2 in paragraph 17, and therefore the allegations are denied.

3 18. The City is without sufficient knowledge or information to deny or admit the allegations  
4 in paragraph 18, and therefore the allegations are denied.

5 19. The City is without sufficient knowledge or information to deny or admit the allegations  
6 in paragraph 19, and therefore the allegations are denied.

7 20. The City is without sufficient knowledge or information to deny or admit the allegations  
8 in paragraph 20, and therefore the allegations are denied.

9  
10 **III. Incident at Issue**

11 21. The City is without sufficient knowledge or information to deny or admit the allegations  
12 in paragraph 21, and therefore the allegations are denied.

13 22. The City is without sufficient knowledge or information to deny or admit the allegations  
14 in paragraph 22, and therefore the allegations are denied.

15 23. The City denies the allegations in paragraph 23.

16 24. The City is without sufficient knowledge or information to deny or admit the allegations  
17 in paragraph 24, and therefore the allegations are denied.

18 25. The City is without sufficient knowledge or information to deny or admit the allegations  
19 in paragraph 25, and therefore the allegations are denied.

20 **IV. Police Officers Action – 8-28-20**

21 26. The City admits the allegations in paragraph 26, with the exception of Daniel Kim.

22 27. The City admits that the one or more of the defendant officers spoke with Ms. Martinez  
23 at the rear door to the residence. The City is without sufficient knowledge or information

to deny or admit the allegations in paragraph 27, and therefore the allegations are denied.

28. The City denies the allegations in paragraph 28.

29. The City admits that plaintiff's mother tried to persuade one or more officer defendants that plaintiff should not be arrested and expressed concerns about plaintiff's health. The City is without sufficient knowledge or information to deny or admit the remaining allegations in paragraph 29, and therefore the allegations are denied.

30. The City admits that Plaintiff was arrested. The City denies the remaining factual allegations in paragraph 30. Paragraph 30 contains legal conclusions to which no response is required. To the extent a response is required, the City denies the allegations in Paragraph 30.

31. The City denies the allegations in paragraph 31. Paragraph 31 contains legal conclusions to which no response is required.

32. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 32, and therefore the allegations are denied.

33. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 33, and therefore the allegations are denied.

34. The City denies the allegations in paragraph 34.

35. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 35, and therefore the allegations are denied.

36. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 36, and therefore the allegations are denied.

37. The City denies the allegations in paragraph 37.

38. The City denies the allegations in paragraph 38.

- 1       39.     The City denies the allegations in paragraph 39.
- 2       40.     The City denies the allegations in paragraph 40.
- 3       41.     The City denies the allegations in paragraph 41.
- 4       42.     The City denies the allegations in paragraph 42.
- 5       43.     The City denies the allegations in paragraph 43.
- 6       44.     The City admits that there are addresses in the police report. The City denies the  
7       remaining allegations in paragraph 44.
- 8       45.     The City is without sufficient knowledge or information to deny or admit the allegations  
9       in paragraph 45, and therefore the allegations are denied.
- 10      46.     The City denies the allegations in paragraph 46.
- 11      47.     The City admits that the general offense report states that Plaintiff had no visible injuries.  
12      The remaining allegations in paragraph 47 are denied.
- 13      48.     The City denies the allegations in paragraph 48.
- 14      49.     The City is without sufficient knowledge or information to deny or admit the allegations  
15      in the first sentence of paragraph 49. Paragraph 49 contains legal conclusions to which  
16      no response is required. To the extent a response is required, the City denies the  
17      allegations in Paragraph 49.
- 18      50.     The City admits that Plaintiff was arrested. The City denies the remaining allegations in  
19      paragraph 50.
- 20      51.     The City admits the police report lists Plaintiff as “white /not Hispanic or Latino.” The  
21      City is without sufficient knowledge or information to deny or admit the remaining  
22      allegations in paragraph 51, and therefore the allegations are denied.
- 23      52.     The City denies the allegations in paragraph 52.

1 53. The City is without sufficient knowledge or information to deny or admit the allegations  
2 in paragraph 53, and therefore the allegations are denied.

3 54. The City denies the allegations in paragraph 54.

4 55. The City is without sufficient knowledge or information to deny or admit the allegations  
5 in paragraph 55, and therefore the allegations are denied.

6 **V. Office of Police Accountability**

7 56. The City admits that plaintiff submitted a complaint to OPA and denies the remaining  
8 allegations in paragraph 56.

9 57. The City denies the allegations in paragraph 57.

10 58. Paragraph 58 contains no factual allegations. To the extent a response is required, the  
11 allegations are denied.

12 **V. Fourth Amendment to the Constitution**

13 59. Paragraph 59 contains legal conclusions to which no response is required.

14 60. Paragraph 60 contains legal conclusions to which no response is required.

15 61. The City denies the allegations in paragraph 61.

16 62. The City denies the allegations in paragraph 62.

17 63. The City denies the allegations in paragraph 63.

18 64. The City denies the allegations in paragraph 64.

19 65. The City denies the allegations in paragraph 65.

20 66. No allegations are contained in paragraph 66. The City does not know if Plaintiff has  
21 accurately transcribed the interview quote, and therefore any allegations are denied.

22 67. The City denies the allegations in paragraph 67.

23 68. The City denies the allegations in paragraph 68.

69. Paragraph 69 contains no allegations. To the extent a response is required, the City denies any allegations in paragraph 69.

70. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 70, and therefore the allegations are denied.

71. The City denies the allegations in paragraph 71.

72. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 72, and therefore the allegations are denied.

73. The City admits that plaintiff called 911 and denies the remaining allegations in paragraph 73.

74. The City is denies the allegations in paragraph 74.

75. The City admits that Sergeant Bach was in Washington, D.C., on January 6, 2021, and denies the remaining allegations in paragraph 75.

76. The City denies the allegations in paragraph 76.

#### **VI. Fourteenth Amendment to the Constitution**

77. Paragraph 77 contains legal conclusions to which no response is required.

78. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 78, and therefore the allegations are denied.

79. The City is without sufficient knowledge or information to deny or admit the allegations in paragraph 79, and therefore the allegations are denied.

80. The City denies the allegations in paragraph 80.

81. The City denies the allegations in paragraph 81.

82. The City denies the allegations in paragraph 82.

83. The City denies the allegations in paragraph 83.

1 **VII. United States of America v. City of Seattle**

2 84. Paragraph 84 contains no factual allegations. To the extent a response is required, the  
3 allegations are denied.

4 85. The City denies the allegations in paragraph 85.

5 86. Paragraph 86 contains no factual allegations. To the extent a response is required, the  
6 allegations are denied.

7 87. The City denies the allegations in paragraph 87.

8 88. The City denies the allegations in paragraph 88.

9 89. The City admits that plaintiff was arrested and denies the allegations in paragraph 89.

10 90. The City admits that plaintiff submitted an OPA complaint and denies the remaining  
11 allegations in paragraph 90.

12 91. The City denies the allegations in paragraph 91.

13 92. Paragraph 92 contains no factual allegations. To the extent a response is required, the  
14 allegations are denied.

15 **PLAINTIFFS' DAMAGES AND EXHIBITS**

16 Plaintiff's damages list is a prayer for relief which requires no response. The Defendants  
17 deny that Plaintiffs are entitled to the relief set forth in this section. Plaintiff's exhibits list requires  
18 no response.

19 **THE DEFENDANTS' AFFIRMATIVE DEFENSES**

20 1. Plaintiff fails to state a claim upon which relief may be granted.

21 2. The City, a municipal corporation, and its agencies, are immune from liability for prejudgment  
22 interest on tort judgments and are immune from punitive damages.

23 3. Punitive damages are not available against the City.

4. Defendant Officers are entitled to qualified immunity.
5. Any damages suffered by Plaintiff were caused in whole or in part by her own conduct or fault.
6. Plaintiff assumed the risk of her alleged injuries by her own actions.
7. Plaintiff may have failed to take reasonable steps to mitigate damages.
8. The City reserves the right to amend this answer to assert additional affirmative defenses, counterclaims, or cross-claims as may be appropriate based upon future discovery. Nothing contained in this Answer should be construed as a waiver of any such additional defenses.

WHEREFORE, the City respectfully request that Plaintiff's Complaint be dismissed with prejudice, and that they be granted such other and further relief as the Court finds just and equitable.

DATED this 17th day of December.

PETER S. HOLMES  
Seattle City Attorney

By:

/s/ Kerala Cowart  
Kerala Cowart, WSBA# 53649  
Assistant City Attorney  
E-Mail: [Kerala.Cowart@seattle.gov](mailto:Kerala.Cowart@seattle.gov)  
Seattle City Attorney's Office  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104  
Phone: (206) 733-9001

*Attorneys for Defendants*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

## CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Raquel Reynolds 5642 44 <sup>th</sup> Ave SW Seattle WA 98136 <u><a href="mailto:policereports2021@gmail.com">policereports2021@gmail.com</a></u>  Plaintiff Pro Se	Via ECF
--	---------

s/ Kerala Cowart  
Kerala Cowart, Assistant City Attorney